



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,785	04/09/1999	JAMES G. HANKO	843161-189	9037

23879 7590 04/20/2004

BRIAN M BERLINER, ESQ
O'MELVENY & MYERS, LLP
400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

2672

DATE MAILED: 04/20/2004

30

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

09/289,785

Applicant(s)

HANKO, JAMES G.

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-30 is/are allowed.
- 6) ☒ Claim(s) 1,2,11,12,34,36,39 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 3-10,13-20,35,37,38,40-43 and 47-51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-30 and 34-51 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The Examiner accepts the drawings.

Claim Objections

Claims **3-10, 13-20, 35, 37, 38, 40-43, and 47-51** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to anticipate or rendered obvious the technical features of claims **3-10 and 13-20**. The prior art fails to teach or suggest determining a nearest pixel in image data to a location in at least one clipping region and determining a nearest pixel is based on a Euclidean distance as recited in the claims.

Re claims **35, 37, 38, 40-43, and 47-51**, the prior art fails to anticipate or rendered obvious the claimed features of a thin client computer and a low bandwidth network.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **1-2, 11-12, 34, 36, 39, and 44-46** are rejected under 35 U.S.C. 102(e) as being unpatentable by Hamilton et al. (US patent no. 5,987,501).

Re claims **1, 11, and 34**, Hamilton discloses a method comprising obtaining image data on a server (fig. 1), clipping image data on server to obtain clipped image data and transmitting clipped image data from a transmitter on server via a computer network without conversion to a receiver on a client (col. 8, line 46 to col. 10, line 38; fig. 4), receiver scaling clipped image data for display (col. 4, lines 25-68; fig. 2). In other words, Hamilton teaches Multimedia system-having server for retrieving media data as indicated in the list provided by a client computer. In that he discloses reading media data from the server into a client is dependent on the need for the media data further down the processing stream, particularly by the display processor and audio processor. The server is informed in advance of the needs of the client. The user selects from a directory a set of clips, which will be used in the product to be edited. Upon the selection of these clips, a message may be sent to the server by the client requesting that those clips be prepared for delivery. Similarly, in a playback system, one typically knows in advance all of the clips, which will be used in the program to be played.

Re claims **2 and 12**, Hamilton discloses clipping image data further comprises obtaining by server a clip-list specifying at least one clipping region and mapping by server of at least one clipping region to image data to determine clipped image data (col. 6, line 34 to col. 7, line 17; fig. 4). In figure 4, Hamilton discloses the step of creating a list of media objects.

Re claims **36 and 39**, Hamilton discloses computer network is a shared network (fig. 2). In figure 2, the system of Hamilton is in a network. In that he discloses transferring large amounts of data between a server and a client in a distributed computer system over a network interconnection.

Re claims **44-46**, Hamilton discloses computer network is a digital network (figs. 5 and 8). Hamilton discloses digital multimedia computer systems. Multimedia systems typically use digital audio and digital image data, especially digital video.

Allowable Subject Matter

Claims **21-30** are allowed.

The following is an examiner's statement of reasons for allowance: Hamilton fails to teach a thin client and a receiver on thin client configured to receive clipped image data without conversion over network. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hertz, US patent no. 6,029,195

Kikinis, US patent no. 5,644,714

Kindell et al., US Patent No. 5,854,887

Chen et al., US Patent No. 5,822,524

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

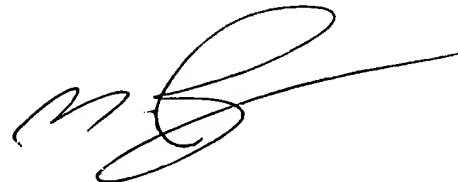
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
Art Unit: 2672
April 13, 2004

A handwritten signature in black ink, appearing to read 'MR', with a long horizontal line extending to the right.

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600